

STANDARD: RESPONDING TO ALLEGATIONS OF ABUSE OR NEGLECT INVOLVING CHILDREN’S RESIDENTIAL CARE FACILITIES, CHILDREN’S AGENCIES and THERAPEUTIC OUTDOOR PROGRAMS

PURPOSE

The purpose of this standard is to provide direction and guidance to the Child and Family Services (CFS) programs regarding allegations of abuse or neglect involving licensed and unlicensed children’s residential care facilities, children’s agencies, and therapeutic outdoor programs. This standard is **not** applicable to individual resource (foster/adopt) family home settings or state institutions. CFS standards are intended to achieve statewide consistency in the development and application of CFS core services and shall be implemented in the context of all-applicable laws, rules, and policies. Standards will also provide a measurement for program accountability. Separate standards and policies govern allegations of child abuse or neglect in resource families and institutional settings.

INTRODUCTION

Idaho’s Child Protection Act is a civil statute authorizing state intervention in family situations where children are not safe as a result of child abuse or neglect. Allegations which occur in settings other than families or family foster care are considered “third party”. Third party referrals are the responsibility of law enforcement.

Good rule of thumb:

If the question is “was a crime committed?” it is the responsibility of law enforcement.

If the question is “were safety procedures followed?” it is a licensing issue.

STANDARD

When an allegation of maltreatment (abuse or neglect) of a child in a children’s residential care facility, children’s agency, or outdoor therapeutic program is received by regional Child and Family Services, a determination will be made whether the allegations require a law enforcement or licensing response. Referrals determined to be possible abuse, neglect or a crime, will be considered “Third Party” and a referral will be made to law enforcement for a response.

When the child named in the allegations is in the custody of the IDHW, the department serves in the capacity of “in loco parentis.” As such, a department social worker, clinician, or supervisor will see the child to assess and assure the child’s safety. If the child’s safety cannot be assured, arrangements will be made for a change in placement.

The Central Office Licensing Team, the regional program manager, and the licensing supervisor will be notified of any allegation, those thought to be maltreatment AND those which appear to be licensing issues, whether or not the facility/program is licensed, unlicensed, or not required to be licensed.

Definitions:

Third Party –According to the Department’s Priority Response Guidelines, third party refers to someone outside the parental home *or foster home* who is not a primary caretaker or legal custodian of the child and who *following allegations of maltreatment* no longer has access to the child. (*clarification, emphasis added*).

Children’s Agency – A business operated for the purpose of placement of children in foster homes, children’s residential care facilities or for adoption in a permanent home. See IDAPA 16.06.02.006.06

Children’s Residential Care Facility – A facility that provides residential child care. It excludes foster homes, residential school juvenile detention center and children’s camps. See IDAPA 16.06.02.006.09

Children Therapeutic Outdoor Program – A program designed to provide behavioral, substance abuse, or mental health services to minors in an outdoor setting. See IDAPA 16.06.02.006.10

PROCEDURES

Any person who has “reason to believe” that abuse or neglect has occurred has a legal responsibility (under Idaho Code 16-1619) to report such abuse or neglect to IDHW or local law enforcement. According to the Child Care Licensing Standards, it is the responsibility of the each facility, program and agency administrator to train their staff on child abuse and neglect reporting requirements and to take prompt action to assure the safety of the alleged victim.

(1) CA/N allegation received: When an allegation of child abuse or neglect is made regarding a staff member or volunteer within a facility, program or agency, the CFS intake social worker will complete an intake worksheet on the allegation. The worker should inquire:

- Have steps been taken to ensure the safety of any alleged victim(s)?
- Has law enforcement been notified?
- Who has legal custody of the child(ren) named in the allegations?
- Has an investigation begun and has any appropriate disciplinary action been taken?

- (2) **Review referral with Intake/Risk Assessment supervisor** to determine if allegations meet the criteria for abuse/neglect, if the matter appears to be a licensing, case management, or criminal issue. If it appears to be abuse/neglect or a criminal matter, enter the referral into FOCUS as “Third Party”.
- (3) **Notification of Law Enforcement:** The completed intake sheet is forwarded to local law enforcement within 24 hours of receipt of the referral. Third party referrals are not prioritized, however, if there are indications that a child is in “imminent danger,” this must be reported to law enforcement immediately.
- (4) **Notification of Program Manager:** The Program Manager and/or the Chief of Social Work is notified of any referral covered by this standard, the day of the referral or the following work day.
- (5) **CFS and Law Enforcement:** If the alleged victim is in IDHW custody, a social worker or clinician should team with law enforcement to assure the safety of the victim including arranging for another placement if the child’s safety cannot be assured.
- (6) **Notification of Central Office Licensing Team.** The Central Office Licensing Team is notified via phone or e-mail of **ALL** reports of both child maltreatment and licensing issues the day of the referral or the following work day. The CO Licensing Team will help to assure a coordinated response.
- (7) **Parent notification.** For children in IDHW care and custody, a discussion should occur with the Program Manager and/or Chief of Social Work and the case management supervisor regarding parental notification about the allegation of abuse/neglect, involvement of law enforcement and current status of the placement. The child’s case manager or supervisor will notify the child’s parent(s) regarding the allegations, outcome of the investigation by law enforcement, and any resulting changes in placement.
- (8) **CASA/GAL notification.** For any child in IDHW care and custody who has an assigned CASA or GAL, the child’s case manager or supervisor will notify the child’s CASA or GAL regarding the allegations of maltreatment, involvement of law enforcement and current status of the placement.
- (9) **Required notification of change in placement for child in IDHW custody:** Written notification is to be made to the child’s parent(s) or legal guardian(s) within seven (7) days of a change of placement of the foster child if a child is relocated to another foster care setting, or similar notice to the parent(s) or Indian custodian(s) of an Indian child, and the Indian child’s tribe, which includes the information described in Notice Required For ICWA (IDAPA 16.1601.051).
- (10) **No Disposition:** As a third party referral, there is no risk assessment completed by the department and therefore, no disposition entered into FOCUS. The Prosecutor will decide whether to prosecute the case in criminal court.

(11) Corrective Action Plan. The Child Care Licensing Standards (IDAPA 16.06.02) mandate corrective action plans by facilities, programs and agencies to address licensing issues resulting from this process.

REFERENCES

CFS Practice Manual. Priority Response Guidelines.

CWLA Standards of Excellence for Services for Abuse or Neglected Children and Their Families. CA/N in Settings Outside the Home.

IDAPA 16.06.01.050.07 Notification of Change in Placement

IDAPA 16.06.02.106 Complaints Against Foster Homes, Children's Residential Care Facilities and Children's Agencies

IDAPA 16.06.02.623 Complaint Investigation, Basis, Time Requirements, Notifying Foster Parents, Contents, and Process

IDAPA 16.06.02.574. Reporting of Child Abuse and Neglect.

IDAPA 16.06.02.006 Child Care Licensing Standards. Definitions.

